

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:)	
)	Case No. 08-35653-KRH
CIRCUIT CITY STORES, INC., et al.,)	Chapter 11
)	
Debtors.)	(Jointly Administered)

**OBJECTION OF INLAND US MANAGEMENT LLC TO ORDER PURSUANT
TO 11 U.S.C. SECTIONS 105(A), 365(A) AND 554 AND FED. R. BANKR. P. 6006
AUTHORIZING REJECTION OF UNEXPIRED LEASES OF
NON-RESIDENTIAL REAL PROPERTY AND ABANDONMENT OF
PERSONAL PROPERTY EFFECTIVE AS OF THE PETITION DATE**

Inland US Management LLC, (“Inland”), by and through its undersigned counsel, hereby objects to the *Order Pursuant to 11 U.S.C. Sections 105(a), 365(a) and 554 and Fed. R. Bankr. P. 6006 Authorizing Rejection of Unexpired Leases of Non-Residential Real Property and Abandonment of Personal Property Effective as of the Petition Date* (“Rejection Order”), and in support thereof, respectfully states as follows:

BACKGROUND

1. On November 10, 2008 (“Petition Date”), the above-captioned debtors and debtors-in-possession (collectively, “Debtors”) filed voluntary petitions for relief under chapter 11 of title 11 of the United States Code (“Bankruptcy Code”).

2. On the Petition Date, the Debtors filed the *Debtors’ Motion for Order Pursuant to 11 U.S.C. Sections 105(a), 365(a) and 554 and Fed. R. Bankr. P. 6006 Authorizing Rejection of Unexpired Leases of Non-Residential Real Property and Abandonment of Personal Property*

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Effective as of the Petition Date (“Rejection Motion”), in which they seek authority to (a) reject certain leases effective as of the Petition Date and (b) abandon personal property at such leased locations.

3. Inland is the managing agent for the landlord of non-residential real property located in Darien, Illinois (“Premises”) that is leased to the Debtors pursuant to a lease agreement (“Lease”). Upon information and belief, the Debtors’ operated Store No. 6113 at the Premises.

4. The Lease is among those that the Debtors are seeking to reject effective as of the Petition Date.

5. On November 10, 2008, the Court entered the Rejection Order, which authorized and approved the rejection of the Lease as of the Petition Date, subject to the Debtors’ obligation to return the keys to the Premises by November 12, 2008. The Court also granted Inland the opportunity to object to the relief granted by the Court in the Rejection Order.

6. Inland received the keys to the Premises from the Debtors on November 18, 2008. As of the date of this Objection, the Debtors’ security system at the Premises remains active and armed. The Debtors have not provided Inland with the necessary codes or information to disarm the system.

INLAND’S OBJECTION TO THE AGENCY MOTION AND BASIS THEREFOR

7. Inland objects to the rejection of the Lease effective as of the Petition Date because the Debtors have not unequivocally surrendered possession of the Premises to Inland, and Inland is not free to retake possession of and to access the Premises at this time.

8. Contrary to the directive of this Court as set forth in the Rejection Order, the Debtors did not return the keys to Inland by November 12, 2008. Instead, they were returned to

Inland six days later on November 18, 2008. Therefore, the Debtors remained in possession of the Premises for eight days after the proposed effective date of rejection of the Lease, and six days after possession date required by the Rejection Order.

9. Moreover, Inland is not able to access the Premises because the Debtors' security system is activated. Inland has attempted without success to obtain the security codes from the Debtors as well as Debtors' counsel. Unless and until the security codes are provided to Inland (or the Debtors contact their security company and direct it to disengage the security system), Inland cannot access and recapture the Premises.

10. Based on the foregoing, Inland respectfully submits that rejection of the Lease as of the Petition Date is not appropriate. The Debtors should not be able to reject the Lease until the Premises are fully and completely surrendered to Inland, and Inland has free access to the Premises. Moreover, the Debtors should not be relieved of their obligations under the Lease to Inland, including, but not limited to, their obligations to pay Inland rent, until the Lease is actually rejected.

11. Finally, Inland objects to the Rejection Order to the extent it precludes Inland from requesting allowance of an administrative expense claim with respect to repair costs and/or the costs of any removal of personal property that is abandoned by the Debtors at the Premises. Nothing in the Rejection Order should pre-determine the nature of any claims that Inland may assert with respect to such costs.

WHEREFORE, Inland respectfully requests that the Court enter an order that denies the Rejection Motion and that grants Landlord such further and additional relief as the Court may deem just and proper.

Dated: November 20, 2008

CHRISTIAN & BARTON, LLP

By: /s/ Jennifer M. McLemore
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of November, 2008, I caused a copy of the foregoing to be served by electronic means on the "2002" and "Core" lists and through the ECF system.

/s/ Jennifer M. McLemore
Jennifer M. McLemore